

**Remarks**

In the Office Action, a restriction requirement was made under 35 U.S.C. § 121 and 35 U.S.C. § 372 between the following groups of claims:

- I. Claims 1-27 (in part) and claim 28 and 29, drawn to compounds of formula I wherein  $R^1 = \text{aryl}$  (i.e.,  $Y=Z=C$ ), classified in various classes and subclasses depending on  $R^2$  group;
- II. Claims 1-27 (in part), drawn to compounds of formula I wherein  $X=O$ ,  $Y=C$ , and  $Z=N$ , classified in class 546, subclass various depending on  $R^2$  group;
- III. Claims 1-27 (in part), drawn to compounds of formula I wherein  $X=S$ ,  $Y=C$ , and  $Z=N$ , classified in class 546, subclass various depending on  $R^2$  group;
- IV. Claims 1-27 (in part), drawn to compounds of formula I wherein  $X=O$ ,  $Y=N$ , and  $Z=C$ , classified in class 546, subclass various depending on  $R^2$  group;
- V. Claim 1-27 (in part), drawn to compounds of formula I wherein  $X=S$ ,  $Y=N$ , and  $Z=C$ , classified in class 546, subclass various depending on  $R^2$  group;
- VI. Claim 28 (in part), drawn to pharmaceutical formulations containing compounds of the formula I wherein  $R^1 = \text{aryl}$  (i.e.,  $Y=Z=C$ ), classified in class 514, subclass various;
- VII. Claim 28 (in part), drawn to pharmaceutical formulations containing compounds of the formula I wherein  $X=O$ ,  $Y=C$  and  $Z=N$ , classified in class 514, subclass various;

- VIII. Claim 28 (in part), drawn to pharmaceutical formulations containing compounds of the formula I wherein X=S, Y=C and Z=N, classified in class 514, subclass various;
- IX. Claim 28 (in part), drawn to pharmaceutical formulations containing compounds of the formula I wherein X=O, Y=N and Z=C, classified in class 514, subclass various;
- X. Claim 28 (in part), drawn to pharmaceutical formulations containing compounds of the formula I wherein X=S, Y=N and Z=C, classified in class 514, subclass various;
- XI. Claim 42, drawn to pharmaceutical methods of use of compounds of the formula I wherein  $R^1 = \text{aryl}$  (i.e., Y=Z=C), classified in class 514, subclass various;
- XII. Claim 42, drawn to pharmaceutical methods of use of compounds of the formula I wherein X=O, Y=C and Z=N, classified in class 514, subclass various;
- XIII. Claim 42, drawn to pharmaceutical methods of use of compounds of the formula I wherein X=S, Y=C and Z=N, classified in class 414, subclass various;
- XIV. Claim 42, drawn to pharmaceutical methods of use of compounds of the formula I wherein X=O, Y=N and Z=C, classified in class 514, subclass various; and

- XV. Claim 42, drawn to pharmaceutical methods of use of compounds of the formula I wherein X=S, Y=N and Z=C, classified in class 514, subclass various.

Claims 3-5 were not considered because they allegedly improperly depended on claim 2. Solely to expedite prosecution, Applicant has amended claim 1 to clarify its scope. Applicant has amended claims 3 and 4 which are now properly dependent and should be included in Group I. Claims 1, 3, 4, 6-8, and 10-27 have also been amended to reflect the subject matter of Applicant's election below. The amendments are supported by the specification, for example paragraph [00146], and add no new matter. Claims 2, 5, 9, 28 and 42 have been cancelled without prejudice to later prosecution in this or another application.

As an initial matter, Applicant notes that the applicable claim in Groups VI-X is claim 42 which is drawn to pharmaceutical methods, rather than claim 28 which is drawn to pharmaceutical formulations. As such, Groups VI-X should read "Claim 42, drawn to pharmaceutical formulations..." Also, the applicable claim in Groups XI-XV is claim 28 rather than claim 42 for the same reason. As such, Groups XI-XV should read "Claim 28, drawn to pharmaceutical methods..."

Applicant elects, without traverse, the subject matter of Group VI (claim 42), drawn to pharmaceutical formulations containing compounds of the formula I wherein  $R^1$  = aryl (i.e., Y=Z=C), classified in class 514, subclass various. Applicant elects the species (S)-3-{3-Fluoro-5-[3-(6-methyl-pyridin-3-yl)-ureido]-phenoxy}-piperidine-1-carboxylic acid methyl ester. The elected species is encompassed within claims 1, 3, 4,


6-8, 10-20, 25, and 56-65. The right to pursue non-elected subject matter in one or more divisional applications is expressly reserved.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Dated: July 30, 2007

By: 

Lauren Stevens, Ph. D.  
Reg. No. 36,691

Tel: (650) 849-6614  
Email: [lauren.stevens@finnegan.com](mailto:lauren.stevens@finnegan.com)